

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 23, 1998

ALL-COUNTY LETTER 98- 24

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☒ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: ORDER OF THE COURT REGARDING THE DECISION IN THE PROPOSITION 187 CASES

REFERENCE: ALL COUNTY LETTER (ACL) 94-103, ALL COUNTY LETTER 95-03

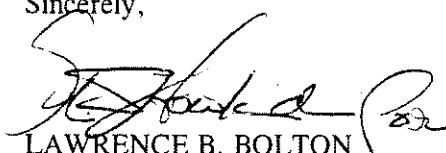
The purpose of this notice is to inform counties of the recent decision in the Proposition 187 court cases (LULAC v. Wilson (and Consolidated Cases) U.S. District Court, Central District of California, No. 94-7569 MRP, March 17, 1998). It is the decision of the court that section 10001.5 of the Welfare and Institutions Code (W&IC) adopted by the initiative measure, Proposition 187, in 1994 is not to be implemented.

W&IC subsection 10001.5(b) which provides that a person shall not receive public social services benefits until the legal status of the person has been verified and subsection (c) which sets forth procedures for reporting of illegal status of persons may not be implemented by any county agency, any county employee, any county personnel, or any county official or any successor in office. The court found the subsections have been preempted by the PRWORA (Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193) provisions governing alien eligibility for public benefits (sections 400 et seq.).

W&IC section 10001.5(a) which provides that W&IC section 10001.5 subsections (b) and (c) provisions were adopted to carry out the intention of the people of California regarding receipt of public social services benefits may not be implemented by any county agency, any county employee, any county personnel, or any county official or any successor in office. The court found the provisions of this subsection are not separately enforceable.

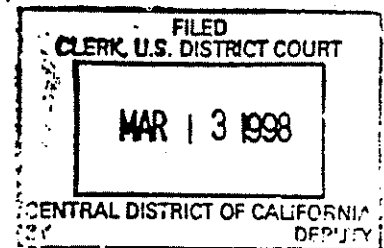
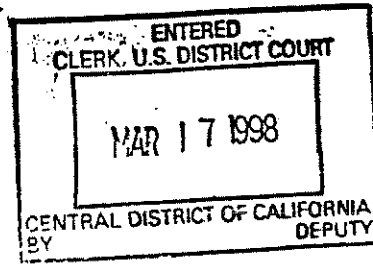
Any questions regarding this information should be directed to Robert Campbell at (916) 654-0843.

Sincerely,



LAWRENCE B. BOLTON
Deputy Director

Attachment



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, et al.,

Plaintiffs,

v.

PETE WILSON, et al.,

Defendants.

CASE NO. 94-7569 MRP

JUDGMENT

CHILDREN WHO WANT AN EDUCATION,
et al.,

Plaintiffs,

v.

PETE WILSON, et al.,

Defendants.

CASE NO. 94-7570 MRP

BARBARA AYALA, et al.,

Plaintiffs,

v.

PETE WILSON, et al.,

Defendants.

CASE NO. 94-7571 MRP

1 GREGORIO T., by and through his)
guardian ad litem, JOSE T.; et al.,)

2 Plaintiffs,)

CASE NO. 94-7652 MRP

3 v.)

4 PETE WILSON, et al.,)

5 Defendants.)
6

7 CARLOS P. et al.,)

8 Plaintiffs,)

CASE NO. 95-0187 MRP

9 v.)

10 PETE WILSON, et al.,)

11 Defendants.)
12

13 In accordance with the Court's Opinion of November 20, 1995,
14 League of United Latin American Citizens v. Wilson, 908 F. Supp. 755
15 (C.D. Cal. 1995); March 13, 1998 Amended Memorandum of Law Re:
16 Remaining Issues in Consolidated Cases; and March 13, 1998 Orders,

17 It is hereby ORDERED, ADJUDGED AND DECREED as follows:

18 1. Sections 1, 4, 5, 6, 7, 8 and 9 of Proposition 187 are
19 declared to be in violation of the Supremacy Clause, preempted by
20 federal law, and of no force or effect.

21 2. Defendants, their agents, employees, and successors in
22 office are permanently enjoined from implementing and enforcing -

23 a) the benefits denial, classification, verification,
24 notification and reporting provisions of California
25 Proposition 187, section 5(b) and (c), codified at Cal.
26 Welf. & Inst. Code § 10001.5(b) and (c); section 6(b) and
27 (c), codified at Cal. Health & Safety Code § 130(b) and (c)
28 section 8(a), (b) and (c), codified at Cal. Educ. Code

1 § 66010.8(a), (b) and (c), on the ground that these sections
2 are preempted by the PRA, codified at 8 U.S.C. §§ 1601 et
3 seq.;

4 b) the notification and reporting provisions of California
5 Proposition 187, section 4(a), (b) and (c), codified at Cal.
6 Penal Code § 834b(a), (b) and (c); section 8(c), codified at
7 Cal. Educ. Code § 66010.8(c); and section 9, codified at
8 Cal. Gov't Code § 53069.65, on the grounds set forth in the
9 Court's Opinion of November 20, 1995, League of United Latin
10 American Citizens v. Wilson, 908 F. Supp. 755 (C.D. Cal.
11 1995);

12 c) California Proposition 187, section 1, section 5(a),
13 codified at Cal. Welf. & Inst. Code § 10001.5(a), and
14 section 6(a) and 6(d), codified at Cal. Health & Safety Code
15 § 130(a) and (d), on the ground that these provisions are
16 not separately enforceable; and

17 d) California Proposition 187, section 7, codified at Cal.
18 Educ. Code § 48215, on the grounds set forth in the Court's
19 Opinion of November 20, 1995, League of United Latin
20 American Citizens v. Wilson, 908 F. Supp. 755 (C.D. Cal.
21 1995).

22 3. Defendants shall, within 60 days of the date this Judgment
23 is filed, distribute copies of this Judgment to all state and local
24 agencies, personnel, and health care workers affected by the above-
25 named sections of Proposition 187. Any accompanying notice shall
26 instruct that the enjoined sections of Proposition 187 are not to be
27 implemented. Notice as described herein shall be provided:
28

- a. by the Attorney General to all California District Attorneys, Police Chiefs and Sheriffs;
- b. by the Department of Health Services to its employees, all counties, all Medi-Cal licensed providers, and all publicly-funded health care facilities licensed by the Department of Health Services;
- c. by the Department of Social Services to all County Welfare Departments;
- d. by the Superintendent of Public Instruction to the governing board of each California school district and to the Superintendent of Education of each district;
- e. by the President of the University of California to the administration of each University of California campus;
- f. by the Chancellor of the California State University to the administration of each California State University campus;
- g. by the Chancellor of the California Community Colleges to the administration and/or governing board of every community college;
- h. by the Governor to all counties, cities and all persons and entities not included in "a" through "g" above, which were provided with the Governor's Executive Order dated November 9, 1994 regarding Proposition 187.

4. The Court finds that the plaintiff class provisionally certified in this action by order of the Court filed January 18, 1995, is permanently certified upon the findings set forth in that order. This Judgment shall issue in favor of and be permanently enforceable by the members of the certified plaintiff class.

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5. Section 2, section 3 and section 10 of Proposition 187 are enforceable.

DATED: *March 13, 1998* *Mariana R. Pfaelzer*

Honorable Mariana R. Pfaelzer
United States District Judge